



STATE OF WASHINGTON

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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May 15, 2012

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street Southwest  
Washington, DC 20554

**Re: Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42; Federal-State Joint Board on Universal Service, CC Docket No. 96-45; Lifeline and Link Up, WC Docket No. 03-109.**

Dear Ms. Dortch:

The Washington Utilities and Transportation Commission ("WUTC") has reviewed the Federal Communications Commission's ("Commission's") Lifeline and Link Up Reform and Modernization Report and Order and Further Notice of Proposed Rulemaking (FCC 12-11) ("Report and Order"), which implements a number of important changes to the federal Lifeline program.<sup>1</sup> The WUTC shares the Commission's view that changes to the current program are necessary to achieve greater accountability and efficiency while furthering its intended purpose to make telecommunications services available to as many people as possible regardless of their socio-economic status.

Among the many changes to the Lifeline program are uniform eligibility criteria which require all states to utilize, at a minimum, the program and income program criteria currently used by federal default states. Under the new Commission requirements, states that have existing systems to verify eligibility for federal Lifeline support must reform their processes for checking subscriber eligibility in accordance with the Commission's new criteria. Unfortunately, new requirements create an unintended problem for eligible telecommunications carriers ("ETCs") in Washington seeking to verify eligibility for new Lifeline consumers.

On April 25, 2012, the United States Telecom Association ("USTelecom") filed a Petition for Waiver ("Petition") of section 54.407(d) and sections 54.410(b)(2) and (c)(2) of the Commission's rules pertaining to certain ETC compliance obligations arising in a number of

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<sup>1</sup> *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket Nos. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, (released Feb. 6, 2012) ("*Report and Order*").


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states, including Washington.<sup>2</sup> As the Petition notes, beginning June 1, 2012, ETCs are required to certify that they are in compliance with all the Lifeline rules before they may seek reimbursement for providing Lifeline service to a new subscriber. They also are required to obtain a copy of the subscriber's certification form and an approval notice from a state entity overseeing verification. USTelecom correctly points out that there are a number of states, including Washington, in which ETCs that seek to enroll new customers whom the state has determined to be eligible, but where the state does not currently have the ability to provide eligibility verification notice and subscriber certification forms as required by the new procedures. As a result, these ETCs will not be able to comply with section 54.407(d) and sections 54.410(b)(2) and (c)(2) beginning June 1, 2012, unless the rule is relaxed or waived in some fashion.

In Washington, the state Department of Social and Health Services ("DSHS") performs Lifeline eligibility determinations on behalf of ETCs, and oversees the state's companion telephone assistance program, known as the Washington Telephone Assistance Program. Although a review of the Commission's new Lifeline eligibility rules is presently underway by both the DSHS and WUTC, DSHS has indicated that it will not be able to implement the operational changes in time to allow existing ETCs in Washington to comply with the June 1, 2012, notice and certification form requirements. Because ETCs are required to have an eligibility verification notice and a copy of subscriber certification form from DSHS as a prerequisite to enrolling new customers in the Lifeline program, ETCs in Washington may have to decline to enroll new subscribers.

Washington and other states involved in Lifeline eligibility determinations need more time to revise their rules and processes to continue providing Lifeline discounts to eligible customers. For this reason, the WUTC supports the request of USTelecom that the Commission grant a limited waiver of sections 54.407(d) and 54.410(b)(2) and (c)(2) in each affected state until such time as that state has met the notice and certification form requirements in rule 54.410. The WUTC urges the Commission to approve USTelecom's limited Petition.

Respectfully submitted this 15th day of May, 2012

By:   
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<sup>2</sup> USTelecom Petition for Waiver, WC Docket Nos. 12-23, 11-42, 03-109; CC Docket No. 96-45 (filed April 25, 2012).